

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NATALIA JUSCINSKA,

Plaintiff,

v.

MESON SEVILLA, LTD. AND 344  
WESTSIDE PROPERTIES, LLC,

Defendants.

USDC-S.D.N.Y.  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#:  
DATE FILED: 12/9/2020

19-CV-5284 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

Plaintiff brought this suit against Defendants Meson Sevilla, Ltd. and 344 Westside Properties, LLC (“Defendants”) on June 5, 2019, alleging violations of the Americans with Disabilities Act at the Meson Sevilla restaurant in Manhattan. *See* Dkt. 1. Defendants have yet to appear or answer the complaint. On March 8, 2020, following the Court’s entry of default judgment against Defendants, Plaintiff moved for attorneys’ fees and costs. *See* Dkt. 19, 20.

It has come to the Court’s attention, however, that there may be an error in the address on file with the New York State Department of State for one of the two defendants, 344 Westside Properties, LLC (“Westside Properties”), which the complaint identifies as the owner and/or operator of the property where the Meson Sevilla restaurant is located. The address listed with the Department of State for Westside Properties is 344 West 44th Street, New York, NY 10036.<sup>1</sup> Accordingly, throughout this litigation, when Westside Properties has been served pleadings or papers, service has been effectuated by mail to the 44<sup>th</sup> Street address, either directly, *see* Dkts. 6, 18, 22, or via the Department of State, *see* Dkt. 7.

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<sup>1</sup> *See* New York State Department of State, Division of Corporations, Corporation and Business Entity Database, [https://appext20.dos.ny.gov/corp\\_public/CORPSEARCH.ENTITY\\_SEARCH\\_ENTRY](https://appext20.dos.ny.gov/corp_public/CORPSEARCH.ENTITY_SEARCH_ENTRY).

However, there is reason to believe this address may be incorrect. The address identified in the Complaint for the Meson Sevilla restaurant is 344 West 46<sup>th</sup> Street. Dkt. 1 at 2. That is also the address listed on the restaurant's website, <http://www.mesonsevilla.com/>. The entry on the Department of State's website for the other defendant, Meson Sevilla, Ltd., lists the 46<sup>th</sup> Street address as the address for the corporation's chief executive officer and its principal executive office.<sup>2</sup> In light of the similarity between Westside Properties' purported corporate address (344 West 44<sup>th</sup> Street) and the address of the real property it owns and operates (344 West 46<sup>th</sup> Street), the Court is concerned that this discrepancy may be the result of an error.

Accordingly, within two weeks of this order, Plaintiff is directed to file a letter informing the Court of her position on (1) whether there is, in fact, an error in the address for Westside Properties on file with the Department of State; and (2) what effect, if any, a potentially incorrect address should have on the pending motion for attorneys' fees and on the underlying default judgment.

Furthermore, in the interest of justice, within two weeks of this order, Plaintiff is directed to serve the following papers via first class mail to the physical address of the Meson Sevilla restaurant, namely **344 West 46<sup>th</sup> Street, New York, NY 10036**: (1) a copy of this order; (2) the complaint; (3) the Clerk's certificate of default; (4) the Court's November 15, 2019 order to show cause; (5) the Court's January 8, 2020 entry of default judgment; and (6) the papers associated with Plaintiff's March 8, 2020 motion for attorneys' fees and costs. Plaintiff shall file proof of such service on the docket.

SO ORDERED.

Dated: December 9, 2020  
New York, New York

  
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RONNIE ABRAMS  
United States District Judge

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<sup>2</sup> The principal address on file for Defendant Meson Sevilla, Ltd., is 1878 Victory Boulevard, Staten Island, New York 10314, and that is where service to that defendant has been directed. See Dkts. 6, 7, 18, 22.